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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,981	07/10/2003	Steve A. Harper	035506.00001 SHARPER	4257

7590 10/01/2004  
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EXAMINER

LEE, GUIYOUNG

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/617,981	Applicant(s) HARPER, STEVE A.	
	Examiner Guiyoung Lee	Art Unit 2875	<i>Am</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0703 and 0803</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vektorino et al. (US 6,220,719 B1).

Re claim 1, 13 and 15-16: Vektorino discloses a flashlight illuminator for providing a concentrated light beam having an elongate body (14 in Fig. 3) including a power source (12); an on/off switch (28); an LED (23); a light collecting and magnifying barrel (44) having a reflector and a lens (36), wherein light rays emitted from said LED are collected and reflected by said reflector on to said lens, said lens magnifying and directing said collected light rays along an elongated axial path in a condensed concentrated beam pattern. Vektorino does not disclose the condensed concentrated beam pattern has a diameter of between 2 inches and 120 inches at a distance of 150 feet. However, Vektorino teaches that the lens can be moved away from LED 23 or moved to LED. It would have been obvious to one having ordinary skill in the art at the time of the invention to make Vektorino's condensed concentrated beam pattern in a diameter of between 2 inches and 120 inches at a distance of 150 feet because of Vektorino's teachings above.

Re claims 2-3 and 18: Vektorino's lens is a plano-convex lens having an inch and a half diameter (col. 42+), and the convex side surface is directed outwardly.

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Re claims 4-6 and 19-20: Vektorino discloses the length of the cavity or the focal length is about 1 inch (col. 42+), and the cavity length could be fixed or adjustable.

Re claim 8: Vektorino discloses an inner raised ring (the portion around LED 23 in Fig. 3).

Re claims 9-10: Vektorino discloses that the barrel is stepped along its length (see the stepped portion near 38 in Fig. 1).

Re claims 11-12: Vektorino discloses that the diameter of the barrel is greater at the second end (see 44 in Fig. 1), and the first end of the barrel is pressure fit into engagement with the body.

Re claim 14: Vektorino's body (Fig. 3) is a penlight.

Re claim 17: Vektorino discloses that the first and the second portions of the barrel are axially adjustable by a tread (col. 3, lines 42+).

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vektorino as applied to claim 1 above, and further in view of Klug (US 5,349,509).

Re claim 7: Vektorino is silent with regard to the resilient sleeve. Klug teaches a resilient sleeve (24 in Fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Klug's sleeve into Vektorino's barrel in order to redirect the light beam from LED to the lens.

### ***Conclusion***

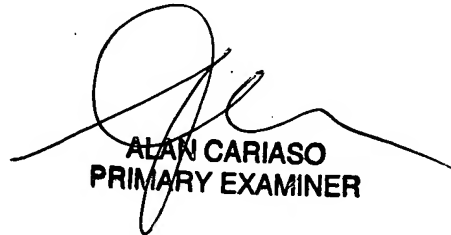
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



ALAN CARIASO  
PRIMARY EXAMINER